

**OPINION  
50-195**

February 21, 1950            (OPINION)

TOWNSHIPS

RE: Supervisors

Re: Sections 58-0602, 24-0601, 57-15191

Your letter of the 19th inst. has been received in this office and referred to my desk.

You state that your town board levied taxes under Chapter 353 S.L. 1947 (Sec. 57-15191 of 1949 Supplement) for road surfacing and that the supervisors themselves supervised the work of surfacing about eight miles of township roads. You also state that they did not bill the township for this work. And you state further that your state's attorney holds that \$50.00 is the limit that each supervisor may receive as compensation for each year of service. The state's attorney is clearly correct. See section 58-0602 of the 1949 Supplement to the N.D.R.C.

The rule of law which applies to all official boards is that they may not employ themselves at the expense of the municipal or public corporation that they represent. This rule applies to township supervisors.

The law requires the supervisors to appoint a township overseer of highways. Sections 58-0601(12) and 58-1201. It would be the duty of such overseer to supervise the surfacing of the roads.

It is true that the board of supervisors has the general supervision of roads, highways, and bridges in the township, as provided by section 24-06-1 N.D.R.C. 1943. This, however, does not mean that the supervisors, individually, shall actually superintend the work being done upon the roads. This is the duty of the overseer of highways. See section 58-1203 N.D.R.C. 1943.

It is our opinion, therefore, that the township supervisors are not entitled to compensation for supervising the actual surfacing of the roads.

WALLACE E. WARNER

Attorney General